

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE:
DEBTOR: GEORGE COLLINS
SSN OR TAX ID: ###-##-9302

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§

CHAPTER 13 BANKRUPTCY
CASE NO: 05-95149-H1-13

AMENDED

TRUSTEE'S MOTION TO DISMISS WITH/WITHOUT PREJUDICE OR CONVERT TO CHAPTER 7

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 20 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING. REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

NOTICE OF HEARING - IF A TIMELY RESPONSE IN OPPOSITION IS FILED, A HEARING SHALL BE HELD ON **JANUARY 11, 2006, 9:30 A.M. AT THE U.S. BANKRUPTCY COURT, 515 RUSK STREET, COURTROOM 10B, 10TH FLOOR, HOUSTON, TEXAS 77002.** THE EXACT TIME WILL BE POSTED ON WWW.LAPORTE13.COM. AT LEAST 3 DAYS PRIOR TO THE HEARING DATE. PLEASE CONTACT YOUR ATTORNEY FOR THE HEARING TIME. IF YOU FILED WITHOUT AN ATTORNEY (PRO SE) **THE HEARING WILL BE AT 9:30 A.M.**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Now comes Daniel E. O'Connell, Chapter 13 Trustee, and files this motion pursuant to 11 U.S.C. Sec. 1307(), 109(g) and 349(a).

- ☒ Debtor has committed unreasonable delay prejudicial to creditors by failing to file the following bankruptcy documents required by 11 U.S.C. § 521(a) and F.R.B.P. 1007.
- ☐ List of creditors (name and address)
 - ☒ Schedules of assets on the Official Form (A, B and C)
 - ☒ Schedules of liabilities on the Official Form (D, E, F, G and H)
 - ☒ Schedules of current income and expenditures on the Official Form (Schedules I & J)
 - ☒ Statement of current monthly income and disposable income calculation (Official Form B22C)
 - ☒ Statement of financial affairs on the Official Form
 - ☒ Copies of all payment advices (pay stubs) or other evidence of payment received within 60 days prior to the bankruptcy petition date, impeding the Trustee's ability to analyze the plan and prepare for the meeting of creditors.
- ☒ Debtor has failed to file a Chapter 13 Plan and/or
- ☐ failed to file an Uniform Chapter 13 Plan and/or plan summary in compliance with L.B.R. 3015(a).
- ☒ Debtor has failed to provide mortgage information necessary for the Trustee to receive, account and distribute required ongoing mortgage payments pursuant to L.B.R. 3015(b) and the Procedures for Administration of Home Mortgage Payments.

These failures and failure to comply with the Initial Order of this Court may be willful within the meaning of 11 U.S.C. § 109(g)(1).

NOW THEREFORE, Daniel E. O'Connell, Chapter 13 Trustee respectfully prays that this case be dismissed, dismissed with prejudice, or converted to Chapter 7.

Dated: November 28, 2005

Respectfully submitted,

By: /s/ Daniel E. O'Connell

DANIEL E. O'CONNELL, Trustee

CERTIFICATE OF SERVICE

I hereby certify under penalties of perjury that on November 28, 2005, or the date listed in the BNC Certificate of Service a true and correct copy of this motion has been served by regular U.S. mail, postage prepaid or electronically transmitted, on Debtor, Debtor's Attorney of Record, the U.S. Trustee and all other parties-in-interest listed in the BNC Service List.

/s/ Daniel E. O'Connell

DANIEL E. O'CONNELL, Trustee